CHILD PROTECTION ACCOUNTABILITY COMMISSION JULY 13, 2005 NEW CASTLE COUNTY COURTHOUSE, 10TH FLOOR

MINUTES

Those in attendance:

Members of the Commission: Statutory Role:

Susan Cycyk

Allan DeJong, M.D.

Peter Feliceangeli, Esq.

Sergeant Randy Fisher

Carlyse A. Giddins

Dir. of Child Mental Health 16 Del. C. § 912 (a)(10)

Medical Community 16 Del. C. § 912 (a)(10)

Attorney General's Office 16 Del. C. § 912 (a)(3)

Child Protection Comm. 16 Del. C. § 912 (a)(10)

Dir. of Div. of Family Servs. 16 Del. C. § 912 (a)(2)

Child Protection Comm. 16 Del. C. § 912 (a)(10)

The Honorable Chandlee J. Kuhn Family Court 16 Del. C. § 912(a)(4)

Mary Ball Morton Children's Department 16 Del. C. § 912(a)(1)

(proxy for Secretary Cari DeSantis)

Colonel Tom Macleish

Child Protection Comm. 16 <u>Del. C.</u> §912(a)(10)

Merrijane Pierce

Inter. Comm. On Adoption 16 <u>Del. C.</u> § 912(a)(10)

Det. Diane Smith

Child Protection Comm. 16 Del. C. §912(a)(10)

(proxy for David McAllister)

Linda Wolfe (proxy for Valerie Woodruff) Dept. of Education 16 Del. C. § 912 (a)(8)

Staff:

Tania M. Culley, Esq. Executive Director

Guests:

Lorin M. Hochman, Esq. Karen DeRasmo
Joe Bakker Laura Miles
Anne Pedrick Candace Charkow
Joseph Smack Florence Alburque
Mariann Kenville-Moore Susan Radecki

Harvey Doppelt, Ph.D Christina Showalter, Esq.

Carl Danberg, Esq. Kathleen Murphy Gaye Falkowski Rose Holmquist David Hall Lanette Heffner

- I. Welcome/Introductions
- II. Approval of Minutes

The minutes of the April 13, 2005 meeting were unanimously approved with a few minor changes. On page 7, in the discussion of the Division of Family Services ("DFS"), the amount by which workers may exceed the standard number of cases was changed to reflect the numbers 20 and

26, not 20% and 26%. Additionally, Linda Wolfe's name was added to the list of those in attendance.

The April 29, 2005 minutes were approved with no changes.

Tania Culley explained that the May 25 minutes that were circulated via email were a draft and not the final form of the minutes. A final version of the minutes was distributed and those minutes were unanimously approved without objection.

Linda Wolfe asked if, in the future, the acronyms that are used in the minutes could be spelled out the first time they are included in the minutes.

III. Special Committee Reports

A. Abuse Intervention Committee ("AIC")

Marianne Kenville Moore distributed the AIC's finalized report. She reported that the AIC approved the Finding Words training. Finding Words is an intensive training for forensic interviewing that is used to improve interviews and broaden the knowledge base of those who conduct such interviews; it is geared toward law enforcement, social workers, child advocates, and others in the related fields. During the training, participants have training for 8 hours a day over 5 days, followed by homework which includes intensive reading in preparation for the next day. The program ends with a test at the end of the week. Finding Words will be coming to Delaware three times next year. The first session will be held the week of January 30, 2006 and can accommodate 33 people. The plan at this point is to divide the slots as follows: 5 to the Department of Justice ("DOJ"), 12 to DFS, 14 to Law Enforcement, and 2 to the Children's Advocacy Center ("CAC"). The hope is that all who attend will be able to do so free of charge, thanks to money from grants and from the CAC. The current plan is to conduct the other two trainings in May and October of 2006. At the conclusion of the training, the hope is to have 120 people trained and that some of those would be able to then provide further training within the state to others who work in the related fields.

Ms. Kenville Moore also reported on the revision of the Memorandum of Understanding ("MOU") among the DOJ, DFS, and the CAC, first written in 1989. The process is nearing a conclusion and the next meeting of those working on the revision is July 19, 2005 at the Carvel State Building.

The next meeting of the AIC is September 9, 2005 at 10:00 am on the 6th floor of the Carvel State Building. Ms. Kenville Moore encouraged people to attend and noted that while the State Police have been a constant presence at the meeting, the attendance of other police jurisdictions has not been consistent.

B. Adoption and Safe Families Act ("ASFA") Timelines

Lorin Hochman reported that the subcommittee has finished reviewing the data in Kent County and is now working on New Castle and Sussex. Additionally, DFS is helping the subcommittee obtain a grant that will provide technical support to create a database going forward to

track all the variables about foster children so that in the future, all of the information will be accessible in one place.

C. Educational Needs of Foster Children

Tania Culley reported on the CPAC Education and Child Welfare Conference being held on October 7, 2005 at Dover Downs. Ms. Culley told the group that the subcommittee had developed ideas for 14-15 workshops for the conference and that with the help of the Family Court had secured a keynote speaker from the American Bar Association—Kathleen McNaught, Esquire. In addition, Ms. Culley told the group that a woman from Florida who has done a lot of work bringing different agencies together might present at the conference as well. The conference should be free to all who attend and the group hopes to have 300 attendees from the Department of Education ("DOE"), DOJ, DFS, Office of the Child Advocate ("OCA"), foster parents, and the Court Appointed Special Advocate ("CASA") program. Chief Judge Kuhn credited Ms. Culley and the subcommittee for working so hard to bring these multiple agencies together.

D. Family Court Extended Jurisdiction

Candy Charkow reported that this group met with representatives from housing and labor, reviewed the DFS independent living services, and met with representatives from Child and Adult Mental Health regarding mental health and substance abuse services as well as transitional issues related to youth aging out of foster care.

The next meeting of this subcommittee is September 13, 2005 at 3:00pm. The location is still to be determined, however, it will be in New Castle County. At the meeting, the committee will discuss whether the jurisdiction of the Family Court should be extended for youth in foster care beyond the age of 18.

E. Inter Agency Committee on Adoption

Merrijane Pierce reported that although this group does not meet in the summer, Susan Cycyk came to a special meeting to discuss mental health services that are available to kids in adoption.

Ms. Pierce also reported on a trans-racial adoptive service training. Fourteen people attended, including those who had adopted trans-racially and those who were considering doing so. A powerful training by this group is planned for the spring.

Ms. Pierce further reported a concern from the committee about CPAC's unwillingness to move forward at this time on the best interest legislation that the group had proposed.

F. Legislative

Chief Judge Kuhn reported that there was a great deal of activity at the end of the legislative session and noted that she will provide a briefing for CPAC at the next meeting.

Tania Culley reported that the CPAC sponsored McKinney Vento legislation passed, although she was not sure if the Governor had signed the bill yet. Ms. Culley explained that while in practice, children who enter foster care are permitted to remain in their school of origin, it was a good thing for these kids that the protection was now codified by statute.

A question was raised regarding whether children in foster care who are considered to be homeless will continue to be considered homeless when they turn 18 and thus eligible for homeless services. Following some discussion, Linda Wolfe agreed to discuss the issue with Joanne Miro of the Department of Education ("DOE").

Chief Judge Kuhn suggested the extended jurisdiction committee focus on the issue since it will overlap with other issues the committee is addressing.

Ms. Culley further reported on the long-term workgroup which was created out of the legislative subcommittee of CPAC. Commissioner Mayo chairs the workgroup which has formed 2 subgroups. Dan Atkins, Esquire, of Community Legal Aid Society, Inc. ("CLASI") leads the definitions subgroup which is developing a draft definition of neglect and dependency which was included in the packet of materials distributed at the meeting. This group will meet again on August 9 at 10:00 am at the Community Services Building. Anyone who would like more information can contact Ms. Culley.

Jill DiSciullo, Esquire, of Morris, James, Hitchens and Williams leads the custody subgroup. They are looking at Chapter 7 of Title 13 regarding custody and visitation. The group is contemplating moving non-parents into a separate chapter within Title 13 and/or into the guardianship statute. Additionally, the group is talking about developing a separate Chapter in the code to apply to DFS. Ms. Culley noted that the group needs the participation of more lawyers, specifically from the DOJ. She did not have a next meeting date for this group.

Chief Judge Kuhn noted that the court may be able to provide some externs to assist with drafting of any proposed legislation that comes out of the groups.

G. Mental Health Assessments for Foster Children

There was no report from this subcommittee.

H. Near Death

There was no report from this subcommittee.

IV. Agency Reports/Statistics

A. Child Mental Health

Susan Cycyk explained that 2 consultants worked with Child Mental Health ("CMH") and looked at how to enhance systems within current resources. Additionally, the consultants identified areas where there were not appropriate resources and/or gaps in services. The consultants identified a

need for additional intensive outpatient services, additional wraparound services, services to help children with substance abuse and mental health issues and services to address children who have mental health and developmental issues. The group recommended a huge number of changes that are no to low cost services.

There will be an open meeting on July 19 where the group will present its final report on the first phase of the process. Ms. Cycyk reported that more than 100 people (including a CPAC representative) were participating. If the group that hears the report on July 19, likes the report, then CMH will work on how to implement the services it thinks they need to include. Ms. Cycyk reported that there were no big surprises in the report.

Among the suggestions made, when the consultants looked at service gaps, they noted with respect to behavior assessments, that once they begin, if DFS is not assessing 40% of DFS kids, then they are missing something. Currently, about 14% of kids involved with CMH had DFS involvement. Ms. Cycyk noted that CMH is not picking up as many of the younger kids as they would like. Additionally, using conservative numbers, 24% of the kids involved with CMH are involved with the juvenile justice system. The consultant recommended bringing the number up to 60%. CMH is working on budget initiatives to achieve these goals.

Ms. Cycyk further reported that in August, the Families and Communities Together ("FACT") program will be entering its final year of the system of care federal grant. She described this program as an example of a program that really implements the system of care. There are approximately 70 children in the program. As they have looked at the effectiveness of this approach over time, the findings are that these kids are requiring less residential care, less outpatient treatment, and are committing less repeat crimes because of management by the family. The goal now is to figure out how to keep the best parts of the program and integrate that into services that CMH provides.

Ms. Cycyk handed out the outcome measures report and turned the presentation over to Harvey Doppelt. Dr. Doppelt explained that the goal of this exercise was to see what CMH does that helps the children it services and how it helps. Dr. Doppelt noted that not all of the information has been reported back to them but went through the report and some of its key findings, including the race and ethnicity of those involved with CMH, the length of time it takes to get a child admitted for care, the rate of readmission to the hospital, and rates of satisfaction among those involved.

Chief Judge Kuhn noted that the findings of the outcome measures will raise budget issues and as a result has spoken with Secretary DeSantis. They are looking at more of a team approach to address budget issues in the future.

Accordingly, Chief Judge Kuhn asked CPAC members to think about what CPAC could do to support and serve Delaware's youth and noted that it is difficult to measure the impact of CPAC's work in the short term. Over the long term, the success of CPAC's work will be evident in reduced numbers of kids in prison and other similar fashions.

Chief Judge Kuhn also commended different agencies for working together to help address a new challenge the court is facing on the issue of juvenile competency. She reported that everyone is working together to figure out how to best address this important issue.

B. Child Placement Review Board

There was no report from the Child Placement Review Board.

C. Children's Advocacy Center

John Humphrey passed out the quarterly statistics report and reported that the center is seeing a greater number of witness interviews of children. He reported that, for some reason, the CAC funding was not included in the budget for next year and they almost did not get their funding. Mr. Humphrey gave many thanks to a number of CPAC members who stepped in at the 11th hour and helped the CAC get their funding for the year.

Mr. Humphrey reported on some critical issues the center will face this year. First, while this year the CAC will continue to have three fully functioning centers, next year, Dover comes off of all the federal funding that it currently has. Second, Mr. Humphrey reported that he expects to see an increase in the request for funding for Dr. DeJong's services from the institution for which Dr. DeJong works.

Mr. Humphrey further reported that each of the 3 centers has a fully functioning licensed clinical social worker and that this is working out very well. The CAC is seeing positive results including fast access to services, including mental health services, when needed. Additionally, the additional forensic interviewer that was hired is also working out well.

Mr. Humphrey reported that this quarter, the CAC is working on ways to meet the demands for late afternoon and early screening interviews, noting that many families cannot take off from work during the day and they have had difficulty getting detectives and DOJ representatives for evening interviews.

The Dover and Wilmington centers will go through an accreditation process this year which is an extensive process for an agency of the CAC's size. On September 15, 2005, a representative from Washington will visit the Dover center and then on the 16th, will visit the Wilmington site. In response to a question from Col. Macleish, Mr. Humphrey reported that he will let everyone know what they can do to be helpful in terms of offering support for the center.

Ms. Giddins asked if the CAC has considered studying outcome measures. Mr. Humphrey reported they have looked at two areas: in August, there should be a shift to a new national database tracking system; there is also a current nationwide study on CAC's around the country and their effectiveness and he thinks that process is almost complete.

D. Department of Justice

Pete Feliceangeli brought statistics from the last quarter of 2004 which are the most recent that he has to distribute. According to those statistics, DFS Deputy Attorneys General ("DAGs") represented DFS in 695 hearings, including 115 probable cause hearings, 89 adjudicatory hearings, 303 dispositional and review hearings and 32 other dependency/neglect related hearings. Additionally, the DFS DAGs participated in 111 permanency hearings. During the last quarter of 2004, 15 Termination of Parental Rights hearings in which DFS DAGs participated were granted with 2 decisions pending; thirteen adoptions were granted. The DFS DAGs also participated in 25 fair hearings/substantiation hearings. Mr. Feliceangeli further reported that one of the Kent County DFS DAG's is moving to another assignment within the DOJ and that her replacement has been hired from the outside and will start August 15. The replacement is currently the managing attorney of CLASI in Dover.

Marianne Kenville Moore reported that funding was available for sex crimes units for Kent and Sussex counties so the DOJ would be hiring DAGs and social workers for those units. Additionally, through a Burn grant, the DOJ got approval for a child abuse (physical) deputy who will be responsible for statewide Superior Court felonies, New Castle County Family Court cases, statewide misdemeanors, and will act as the liaison for all agencies. Additionally, there will be one new social worker hired for Kent County and one for Sussex County.

E. Department of Education

There was no report from the Department of Education.

F. Division of Family Services

Ms. Giddins reported that DFS has had a lot of successes and activity since the last meeting. First, she reported on an upcoming federal meeting in Philadelphia that will generate reviews and she expects Delaware to be among the first 17 states to be reviewed. She thinks the federal review will occur in March or April of 2006 and DFS will be seeking assistance and support as the review approaches.

Ms. Giddins also reported that the DFS walk-a-thon held in May raised more than \$11,500 for children in foster care. In addition to individual donations, the walk-a-thon was supported by various agencies, including Grassroots Citizens for Children, Prevent Child Abuse Delaware and the Child Placement Review Board. The funds raised were used to send 6 kids to sports camps and 2 kids to summer school. Next year, the walk-a-thon will have more of a Department focus and be coordinated by the Office of Prevention/Early Intervention. The funds raised will be directed to the 21st Century Fund for Children and distributed by the Delaware Community Foundation. They are working on establishing guidelines/criteria for next year.

Ms. Giddins reported that on June 25, a young man in DFS custody was admitted to the Milton Hershey school—a first for a Delaware foster child. Ms. Giddins described a phenomenal partnership to make this happen and particularly commended Nicole Rose, the child's DFS worker,

and his Guardian *ad litem* ("GAL"). Governor Minner wrote a letter in support of this child and the child himself worked very hard to get into the school. Ms. Giddins explained that acceptance into the Hershey school is more than a placement. If this young man is successful in graduating, the Hershey foundation will pay for his college tuition. DFS is excited that they have another child being considered for the school. Ms. Giddins also shared that the Hershey school hopes this is the beginning of a long relationship with Delaware.

Ms. Giddins also reported on the ongoing child abuse prevention campaign, relating that Secretary DiSantis has recorded a number of public safety announcements on swimming, leaving children alone in cars, and other issues. The announcements will run on WDEL, WSTW and be sent out to other stations throughout the state.

Next, Ms. Giddins reported on the Office of Children's Services statistics. She shared that statewide caseload averages for both full time employees and fully functioning workers are below standard. Eight investigation workers were over standard in June versus 14 that were over standard in April.

Ms. Giddins also reported on an increase in hotline reports for FY05 v. FY04. Based on preliminary data, in FY04 there were 5254 hotline reports accepted in total, with an average of 437 investigations per month. For FY05, the hotline accepted 5700 reports, with an average of 477 investigations per month. According to Ms. Giddins, this reflects an increase in the overall number of reports accepted, with approximately one additional investigation per worker per month. What the information does not reflect is the impact this has on workers as the months vary. For example, over the last 24 months, 356 reports were accepted in November compared to 592 in May.

One area requiring ongoing concentration in investigation is caseloads at University Plaza. April 2005 was the first time in 6 months where the fully functioning workers average was below standard. Investigations at University Plaza had a huge increase in May but began to show a downward trend in June. One third of the investigative staff are not fully functioning, so they expect an improvement as more of the staff becomes fully functioning.

Ms. Giddins reported that statewide, treatment worker caseloads are below standard. As investigations are expedited, cases move to treatment faster and often at a rate higher than they are closed, resulting in an increase in the number of treatment cases.

Currently, Kent County is the biggest concern. There are 5 of 17 workers who are not fully functioning which is the equivalent of an entire unit. The workers there are well above caseload standard—they are over by 21, but there are three workers who will become fully functional by August. To address this problem, DFS added additional staff in Kent and has not yet realized the benefit of that because the staff is not yet fully functioning.

Although turnover has remained the same (22%) over the past few years, DFS has experienced increased turnover in FY '05.

Effective August 1, DFS will implement a mid-shift worker who will start at 2:00pm and will respond to urgent complaints.

Ms. Giddins reported on significant changes in treatment. Turnover in the treatment unit rose from 6.7% in FY04 to 14.5% in FY05. Traditionally, treatment has been the most stable workforce. To support the treatment staff, the Division has added 4 casual/seasonal family service assistants (one per county).

Ms. Giddins was pleased to report that there were no vacancies in investigation or treatment and that there was only one vacancy among 15 trainee positions. For the first time in her tenure, there were 2 fully functioning trainees in Elwyn and 1 in Kent County. The goal is to have two thirds of the trainees fully functional and ready to step in at any time.

Finally, Ms. Giddins shared successes of some of the children behind the data she provided. First, she related that in Kent County, seven kids in the permanency unit graduated and all but one of them are going to college. Next, she spoke of a partnership with the First Unitarian Church in Wilmington. Thanks to the Church and Judge Crowell, there was a group of volunteers helping kids who are aging out of the system, an area where there is currently a large gap in services. The Church came together and established an apartment, with furniture, to help some kids who are exiting care. There was also a Milford newspaper article about one young lady who, as a result of the article, was overwhelmed with graduation gifts of household and other items.

Ms. Giddins also spoke of a meeting she had with People's Place to obtain a commitment to work together to improve the situation for kids exiting care.

There was some discussion about those kids that go on to college and are no longer technically in foster care and the challenges they face in terms of getting money for books, supplies, personal items, etc. A second challenge is where these kids go on school breaks.

G. Family Court/CASA

Chief Judge Kuhn reported that the Family Court got 2 additional judges for New Castle County and all of the accompanying staff, minus one secretary. The positions will not be available until January and the current plan is to continue the current At Risk Unit, with one new judge being assigned to that unit and the other going to the civil unit. The Court hopes the addition of these judges will help alleviate the current scheduling backlog. There was some discussion of the impact the additional judges will have on other agencies. Chief Judge Kuhn said that there will certainly be an impact, although at this point, what the impact will be is unclear. Accordingly, representatives from the Court will sit down with the impacted agencies and develop a plan for going forward.

Chief Judge Kuhn also reported that Lynn Shreve, the head of the CASA Program, had retired after more than 30 years with the Court. That position is being moved to fall within the Legal Affairs at the Court.

Finally, Chief Judge Kuhn reported on the situation with indigent parent contract counsel. There was been a high rate of turnover in New Castle County but because of the large number of attorneys within the county, the Court has been able to find replacements. In Sussex county, however, they have been unable to fill the positions. As a result, Chief Judge Kuhn met with the

Chief Justice and Justice Jacobs and for now, the Family Court will be appointing members of the bar to represent indigent parents. The hope is still to find someone to take on the contract but thinks it will take significant long term work. Currently, the Court is looking to increase the resources available for the position as it impacts CPAC, children, and parents.

There was no CASA report.

H. Law Enforcement

Colonel Macleish addressed the group and told CPAC that he was excited to be part of the group, noting that many of the individuals in the adult prisons began as youth involved with the Children's Department. He also shared that the law enforcement chiefs meet monthly in Dover and offered to be the conduit to the Wilmington Police Department ("WPD") via that meeting. Colonel Macleish also shared that beginning this September, there will be 4 additional school resource officers in 29 schools. He further related that he was honored to be appointed as Superintendent of the State Police and with that, he brings to the table, whatever the State Police can do to help kids. Additionally, he will make every effort to attend CPAC meetings.

Sergeant Randy Fisher was introduced as replacing Captain Harry Downs as Colonel Macleish's proxy on CPAC. Detective Diane Smith of the New Castle County Police Department ("NCCPD") reported that Sergeant Hill would forward statistics in approximately a week.

I. Office of the Child Advocate

Tania Culley reported that OCA statistics through May 31, 2005 indicate that 550 kids are actively being represented by OCA and of those, 461 are in the custody of the Department of Services for Children, Youth and Their Families ("DSCYF"). Of those 550, 492 are represented by volunteer attorneys. Although there are 310 attorneys representing those 492 kids, there are still a number of kids who do not have representation. There are currently 48 kids awaiting attorneys, 45 of which are in DSCYF custody. Another 40 children are on a waiting list. There may, in fact, be more children in Kent County than OCA is aware of, as OCA has difficulty getting information on children in DSCYF custody in Kent County.

Ms. Culley was pleased to report that OCA got funding to hire a third deputy child advocate. As a result of the creation of the new position, Angela Fowler, Esq. will become the deputy for Kent County and someone will be hired for the Sussex position.

OCA is about to do a mass mailing to recruit new attorneys for the fall. Cases are coming in faster than OCA can appoint attorneys and cases are not going away quickly.

V. Interstate Compact on the Placement of Children ("ICPC")—Update

Mary Ball Morton reported on the current effort to rewrite the ICPC. There was information provided in everyone's packets plus additional information passed out with the history and issues on the rewrite of the compact. Ms. Morton extended a special thanks to Rose Holmquist and Gaye Falkowski of the DFS ICPC office and then explained the unresolved issues surrounding the rewrite

which included discussion of some of the items. The areas discussed included the ICPC's: definition of a child, applicability to private agency and independent adoptions, applicability to placement in residential facilities, applicability to placements with non-custodial non-offending parents, applicability to reunification with offending parent in another state, placement authority and which state should be the final decision maker, provisional assessments for relatives, termination and transfer of court jurisdiction, financial responsibility for the costs of home studies and post-placement supervision.

If anyone has comments on the proposed rewrite, please email them or write to Ms. Morton by August 7, 2005. If anyone has questions, they are invited to call Ms. Holmquist or Ms. Falkowski. Ms. Morton noted that DSCYF is going to have to vote on what to approve so she would really appreciate input from the CPAC members.

VI. Old Business

A. Department Employee Satisfaction Survey

This item was deferred again to the next meeting.

B. DFS Hotline Issues

This item was deferred to the next meeting.

C. Day/Frequency of future CPAC meetings

Discussion moved to the frequency of CPAC meetings and whether they should occur every other month. Following some discussion, a suggestion was made to move to a consent agenda, whereby people would submit their reports ahead of time. There was a consensus to keep meeting on a quarterly basis. Whether to move to a consent agenda was tabled to the next meeting for a formal consensus or vote. Chief Judge Kuhn noted that the Family Court will submit its report in advance of the next meeting and encouraged others to do the same. It was agreed that one week prior to the next meeting, Ms. Culley would send out the DFS package, agenda and minutes.

The group also discussed the day of the meeting. Currently, CPAC meets the 2nd Wednesday of every third month. It was noted that Representative Maier has a longstanding conflict. At the last meeting people were asked to consider an alternate day to meet. Monday, Tuesday and Friday are not good days for people. Participants were asked to come to the October meeting with their availability on the 2nd Thursday of January, April, July and October for 2006.

VII. New Business

A. Joint Child Death, Near Death, and Stillbirth Commission/CPAC Meeting

A joint meeting of the Child Death, Near Death, and Stillbirth Commission and CPAC will be held on September 19, 2005 at 9:00am.

VIII. Public Comment

There was no public comment

IX. Adjournment

There being no further discussion, the meeting was adjourned at approximately 11:40 p.m. The next quarterly CPAC meeting is October 12, 2005 from 9:00-12:00.